

FILING GUIDELINES FOR EXPENDITURE LOBBYISTS

[Quarterly Disclosure Report]



INTRODUCTION

An expenditure lobbyist is a person or entity that engages in indirect lobbying efforts, such as public relations, media relations, advertising, public outreach, research, investigations, reports, analyses, studies, or similar activities designed to influence municipal decisions. An expenditure lobbyist that makes \$5,000 or more in such expenditures during a calendar quarter must file a Quarterly Disclosure Report. Unlike other types of lobbyists, expenditure lobbyists do not file annual Registration Forms; their reporting obligations are triggered only for quarters in which they reach the \$5,000 threshold.

\$5,000 Threshold

The \$5,000 threshold applies to all municipal decisions in the quarter; it is not a “\$5,000 per-decision” threshold. Do not count an organization’s cost of communicating with its own members for purposes of the threshold. Also, note that the person or entity paying for indirect lobbying activities is the reporting party; not the person or entity providing the services.

Do not consider payments for “direct” lobbying activities that are being reported by a lobbying firm on a Quarterly Disclosure Report. Similarly, if the expenditure lobbyist is also an organization lobbyist, do not consider compensation paid to its officers or employees for direct lobbying activities (e.g., meetings with City Officials, letters and emails to City Officials) that are being reported on the organization lobbyist’s Quarterly Disclosure Report.

Note that an expenditure is “made” on the date a payment is made or on the date consideration, if any, is received by the expenditure lobbyist, whichever is earlier. For example, an entity that receives polling data on March 10, but doesn’t pay for that data until sometime in April, has “made” an expenditure on March 10.

Refer to the Ethics Commission’s Fact Sheet on Expenditure Lobbyists for more information concerning the \$5,000 threshold (www.sandiego.gov/ethics/pdf/expendlobbyists.pdf).

Filing the Quarterly Disclosure Report

Expenditure lobbyists must electronically file a Quarterly Disclosure Report [EC-605] no later than the last day of the month following any calendar quarter in which it reaches the \$5,000 threshold. All statements are filed online; there is no need to also file a paper copy of a lobbying statement.

To file a Quarterly Disclosure Report, an expenditure lobbyist must establish an electronic filing account with the City Clerk’s Office: www.sandiego.gov/city-clerk/elections/lobby/lobbyist.shtml. All statements are filed online; there is no need to also file a paper copy of a lobbying statement. Contact the City Clerk’s Office at 619-533-4025 for assistance with the electronic filing system.

The City Clerk’s electronic filing system contains instructions on how to complete a Quarterly Disclosure Report. The guidelines contained herein are intended to supplement those instructions and provide a greater understanding of the City’s disclosure requirements. If you have questions regarding the information required to be disclosed on a Quarterly Disclosure Report, please contact the Ethics Commission at 619-533-3476 or ethicscommission@sandiego.gov.

QUARTERLY DISCLOSURE REPORT

Cover Sheet

Identify the person, business, or organization that is the expenditure lobbyist, as well as the individual responsible for preparing the report.

Because the electronic filing system will automatically populate fields based on previous filings, make sure that all information displayed is current and correct. When filing an amendment, include details explaining what information is new, corrected, or deleted.

Schedule A: City Decisions

Complete this schedule to describe the municipal decision the entity sought to influence during the reporting period by making expenditures for public relations, media relations, advertising, public outreach, research, investigations, reports, analyses, studies, or similar activities. When describing a decision, be specific. Vague or general descriptions, such as “land use matter” or “property development” are not acceptable.

Make a separate entry for each municipal decision the entity tried to influence, including those for which it spent less than \$5,000.

Do not include municipal decisions that the entity attempted to influence solely by using lobbying firms or its own officers or employees to directly lobby City Officials. These decisions should be reported on a lobbying firm’s or organization lobbyist’s Quarterly Disclosure Report.

When identifying the amount spent by the expenditure lobbyist during the reporting period to influence that particular municipal decision:

- ✓ State the total amount spent to influence the decision, regardless of how many payments were made. For example, report \$5,500 if the entity spent \$3,000 on public relations, \$2,000 on advertising, and \$500 on printing costs, if all such payments were made to influence the same municipal decision.
- ✓ Do not include sums paid to a lobbying firm for direct lobbying of City Officials. Such sums should be reported by the lobbying firm on its Quarterly Disclosure Report.
- ✓ Do not include sums paid to an officer or employee of the expenditure lobbyist to engage in direct communications with a City Official. If the expenditure lobbyist is also an organization lobbyist, such contacts should be reported on the organization lobbyist’s Quarterly Disclosure Report.

Identify the name of any person or entity that paid, or promised to pay, \$100 or more to fund the expenditures that were made to influence the City decision. For example, Simply Sanitation spent \$10,000 for a variety of outreach efforts to support a proposed ordinance pertaining to outsourcing City services, including spending \$400 to rent buses to transport individuals to speak at a City Council meeting. Working Workers, a local advocacy group, gave a \$400 check to Simply Sanitation to cover the cost of the buses. When Simply Sanitation files its Quarterly Disclosure Report and discloses its \$10,000 expenditures, it will also identify Working Workers and the \$400 payment it received from that entity.

Amendments

You must amend your Quarterly Disclosure Report if it contains information that is inaccurate or incomplete. Amendments must be made within 10 calendar days of discovering inaccurate or incomplete information on the report.

3/7/13